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Fifty-first session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 February 1995, at 3 p.m.

Chairman: Mr. BIN HITAM (Malaysia)

later: Mr. MEJIA SOLIS (Nicaragua)
(Vice-Chairman)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (item 7 of the provisional agenda) (continued) (E/CN.4/1995/25, 101, 124, 125, 127 and 131; E/CN.4/Sub.2/1994/9 and Corr.1; E/1994/23; E/1994/L.23; E/C.12/1994/12)

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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 18 of the provisional agenda) (continued) (E/CN.4/1995/81 and 130; A/49/537)

1. Mr. CLAY (International Association against Torture) said that millions of people in the developed countries were denied the right to development because of a lack of political will rather than a lack of resources. The maldistribution of resources between the affluent few and the destitute many, both nationally and internationally, was a contradiction of capitalism, the system euphemistically referred to as the "free market". That term was a misnomer when applied to the emerging global markets of the developing countries or to the "collectivities of underdevelopment" in national markets.

2. A previous speaker had graphically described the de facto discrimination against the indigenous people of Guatemala, for whom the first step towards realization of the right to development was the full restoration of their civil, political, economic, social and cultural rights. In the United States of America, people of colour in general and of African descent in particular were denied the right to development not by the legal system but by the persistent racism that pervaded all spheres of their existence.

3. His organization agreed with the view expressed in the report of the Working Group on the Right to Development (E/CN.4/1995/27) that the World Summit for Social Development should adopt a holistic approach to development based on an acknowledgement of the interconnection between such key issues as reduction of poverty, productive employment and social integration in the context of internationally recognized economic, social and cultural rights.

4. The right to development, as redefined by the United States, was a carefully prescribed one restricted to the individual, a right whose economic basis was private enterprise, free trade and free markets. Any other

interpretation would threaten the status quo, force people to question the nature of a democracy run by the unelected and heighten pressure to ratify the International Covenant on Economic, Social and Cultural Rights.

5. As noted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1995/78/Add.1), the unemployment rate among African American adults was five times the official rate. Between 1969 and 1989, the education budget had been cut by 25 per cent and the criminal justice budget increased by 400 per cent. The poverty rate for black children under the age of six was 54 per cent, as compared with 16 per cent for white children. The statistics painted a picture reminiscent of a colony whose resources had been depleted, "the South within the North". Economic growth was profit-centred not people-centred and benefited only the privileged few. Any form of government that rendered the basic right to development a subjective "option" could not develop policies and practices based on the concept of sustainability.

6. In the era of "free market" euphemisms, underdevelopment was a prerequisite for the maintenance of the status quo. The same strategy that had exploited Africa, Asia and Latin America to produce the wealth of Europe was being pursued to maintain the subservience of the South to the North. The right to development was of fundamental importance to nations and peoples, not only for the attainment of economic goals but also for the maintenance of international self-respect and dignity.

7. Mr. SALDAMANDO (International Indian Treaty Council) said that, for indigenous peoples throughout the world, the right to development was nothing less than the right to survival. Indigenous peoples and their traditional lands were one and indivisible. The right to development should subsume their right to assert jurisdiction over their traditional lands and prevent their exploitation for ends that violated their right to self-determination. It should also provide for full and informed participation by indigenous peoples in decisions regarding activities outside the traditional lands that would have an impact on those lands or on associated means of subsistence. All too often, activities presented to indigenous communities as opportunities for economic development resulted in vast profits for corporations and Governments while leading to forced relocation, contamination of lands and waters and irreparable damage to ecosystems.

8. The Ogoni people, indigenous to south-eastern Nigeria, lived in dire poverty although in recent years the Shell oil company had extracted over 900 million barrels of oil from their traditional lands, which had been irreparably damaged in the process. The Indonesian Government had declared the land of the Amungme peoples of New Guinea to be "public land" and permitted mining by the Freeport-McMoRan Copper and Gold corporation, which had contaminated waterways and lands essential for the survival of the Amungme.

9. In the State of Arizona, the Hopi and Navajo Tribal Councils had agreed to the Black Mesa Peabody coalmining project in complete unawareness of its massive destructive effects on the environment and way of life of traditional communities. In Alaska, the Gwich'in Athabascan people were resisting a

similar fate, as the United States Congress planned to reconsider opening the Arctic National Wildlife Refuge for oil and gas exploration by transnational corporations.

10. The destructive activities of such corporations operating in indigenous peoples' lands in Ecuador had recently come under international scrutiny. Unfortunately, by the time such extensive contamination became known to the world, the damage to indigenous cultures and the environment was often irreversible.

11. There was a critical need for clearly defined international standards recognizing the right to development of indigenous peoples. By asserting that right, indigenous peoples such as the Indian peoples of the Amazon basin, the Penan and other Dajak peoples of Borneo, the Sarawak of Malaysia and the Baka and Bakola peoples of Cameroon were also protecting some of the last unspoiled lands, uncontaminated waters and healthy ecosystems in the world.

12. His organization requested the Working Group on the Right to Development to consider the concerns it had raised as part of its mandate to identify obstacles to the implementation of the Declaration on the Right to Development, bearing in mind the provision of Commission resolution 1993/30 regarding the need to pay particular attention to the situation of indigenous peoples.

13. Mr. SALMAN (Observer for Iraq), speaking in exercise of the right of reply, said that he wished to comment on the motives underlying the statement made at the previous meeting by the representative of the International Committee for European Security and Cooperation, who claimed to be an Iraqi of the Yazidi religious minority. She was, in fact, a European Jewess married to an Iraqi Kurd who had been trained in Israel in the 1970s to work for a secessionist group, which spoke sometimes on behalf of the Kurds and sometimes on behalf of the Yazidis. Her allegations were totally unfounded. The Yazidi community numbered several thousand and not half a million and his Government guaranteed them full religious and cultural rights.

14. The person in question had called for the lifting of economic sanctions against Iraq but she knew nothing of the sufferings of the Iraqi people. His delegation deplored the fact that certain non-governmental organizations made statements that exacerbated nationalist feelings in a way that ran counter to respect for human rights.

15. The CHAIRMAN said that the Commission had completed its consideration of items 7, 8, 17 and 18 of its provisional agenda.

STATEMENT BY MR. KADIRGAMAR, MINISTER OF FOREIGN AFFAIRS OF SRI LANKA

16. The CHAIRMAN invited the Minister of Foreign Affairs of Sri Lanka to address the Commission.

17. Mr. KADIRGAMAR (Sri Lanka) said that his country had good reason to be proud of its recent achievements in the field of human rights. The changes that had taken place over the previous six months were a triumph not only for all its citizens, but also for the lofty values and principles for which

the Commission - and indeed the United Nations - had stood for half a century. The people of Sri Lanka had rejected in no uncertain terms a regime under which the rights of the individual had been violated with impunity.

18. By electing the Peoples' Alliance Government and Chandrika Bandaranaike Kumaratunga as President at the elections held in 1994, the people of Sri Lanka had given an incontrovertible mandate for the pursuit of peace and justice and the resolution of the conflict in the north and east of the country through political negotiations. It was also a mandate to protect and promote the human rights of a population whose rights were being violated by two groups of militants: one fighting for a separate State and the other attempting to overthrow an elected Government by force of arms, which had led to a strong reaction on the part of the law-enforcement agencies of the State.

19. The mandate had been a clear signal for a change involving the participation of the people in all important matters affecting its destiny. The Government remained accountable to its own people and committed to the principles enshrined in the international instruments to which Sri Lanka was a party. It would measure scrupulously its progress against those yardsticks of responsibility, accountability and commitment as a constant reminder against the perpetration of excesses.

20. Sri Lanka had long been known as a beautiful and serene island. Of late, however, that idyllic land and its people had been stricken by unspeakable tragedies. The insurgency by the two militant groups and the reactions they had provoked had imposed severe strains on Sri Lanka's long-cherished democratic traditions. Opportunities to transform the island into a prosperous country had been lost.

21. Within two weeks of assuming office, however, his Government had taken the bold step of initiating a dialogue with the Liberation Tigers of Tamil Eelam (LTTE), with a view to resolving the conflict that had plagued the country for over 10 years. The ban on the transport of certain items to the Northern Province had been lifted by the Government without any preconditions, in line with its commitment to alleviating the sufferings of innocent civilians in the Province who had been caught up in a conflict over which they had little or no control. Those positive steps had culminated in an agreement on a cessation of hostilities effective 8 January 1995 which had been warmly welcomed by Sri Lankans and the international community alike.

22. During his recent visit to the United States of America, he had been encouraged by the support given to the process by the Secretary-General of the United Nations and the Government of the United States. He had been particularly heartened by the statement made by the Assistant Secretary of State for South Asian Affairs to the House International Relations Committee on Asia and the Pacific. She had stated that her Government strongly supported the ongoing peace talks, adding that the Sri Lankan Government had shown courage and vision in its moves to reopen a dialogue with the LTTE in the north. Obtaining a lasting peace would be a long, arduous struggle, she had said, but she was convinced that the Sri Lankan Government was committed to the process and was acting in a spirit of openness and good faith. She had urged the LTTE likewise to act in a manner that would further the prospects for a lasting and comprehensive peace.

23. She had also paid tribute to the dramatic progress made in protecting human rights in Sri Lanka. Emergency regulations had been allowed to lapse in all but war-affected areas and the remaining emergency regulations had been modified in accordance with United Nations Commission on Human Rights recommendations. Disappearances had virtually ceased in Government-controlled areas in 1994; and the Government had created three regional commissions to investigate disappearances.

24. It was certainly the desire of the President of his country to negotiate a permanent cease-fire and reach a political settlement designed to achieve peace with justice and dignity for all. His Government's transparency was amply demonstrated by its invitation to the representatives of the Governments of Canada, the Netherlands and Norway to head the committees appointed to oversee the cessation of hostilities.

25. Among the numerous lessons learned from the prevailing ethnic conflict was the ease with which destruction could be caused and the difficulties involved in reconstruction. With a view to rebuilding the damaged economy of the Northern Province and reconstructing its infrastructure, the Government had pledged nearly 40 billion Sri Lanka rupees (US$ 800 million). Given the country's resource constraints, that was an enormous amount of money. He therefore warmly welcomed the offer of the European Union to collaborate with all partners in the economic reconstruction of the areas affected by the conflict.

26. The peace initiative taken by his Government had required enormous courage, sincerity of purpose and vision. It had also required a credible leader in whom the people could repose their trust and confidence. President Kumaratunga had not only matched words with deeds, she had displayed courage of the highest order in view of the fact that she had lost her father and her husband to assassins' bullets. The President and the Government were well aware of the risks inherent in the peace process and of the entrenched suspicions and fears that years of conflict had engendered. They had to strike a cautious balance between the interests of the majority and minority communities, as well as within the minorities. A parliamentary Select Committee was currently charged with evolving the appropriate political structure within a united Sri Lanka.

27. His Government had given an undertaking to the people of Sri Lanka that it would promote and protect human rights and fundamental freedoms. To that end, it had rescinded the emergency regulations, with the exception of five which were essential for the maintenance of security. Even those five were applicable only to the Northern and Eastern Provinces and the bordering areas where security was still threatened. His Government had also established three separate commissions on a regional basis to investigate disappearances that had taken place since 1988. A newly appointed committee had already expedited the release of persons detained under the Emergency Relations and Prevention of Terrorism Act.

28. The powers of the Ombudsman had been strengthened and the public had been provided with unhindered access to him. Several deputy ombudsmen had been appointed to serve in the provinces. Arrangements had been finalized for the establishment of a national human rights commission. The Government had

already ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, in November 1994, had enacted legislation to implement it. In its determination not to tolerate violations of human rights, the State had already launched prosecutions in several key cases, thus sending an unmistakable signal to would-be violators.

29. His Government would continue to cooperate with local and international non-governmental organizations, international humanitarian agencies and United Nations organs such as the Commission. He had appointed a distinguished five-member group of experts from Sri Lankan non-governmental entities to advise him and to ensure that he remained abreast of international developments in human rights matters.

30. Since honesty and integrity in politicians and public officials were essential for the establishment and maintenance of good governance, his Government had introduced, among its first legislative and executive actions, amendments to the Bribery Act and had also appointed a new independent Bribery Commission.

31. His Government respected human rights at every level. At the national level, the constitutional reforms under way would expand the existing scope of human rights in line with internationally accepted standards. The pending legislation to establish a national human rights commission would constitute an important landmark in that regard. His Government would also play a constructive role at the regional level in an endeavour to create a collective expression of the commitment to human rights and fundamental freedoms, supporting as it did the proposal that an appropriate human rights mechanism for the region should be established. At the international level, it would continue to cooperate with the Commission and all other relevant human rights mechanisms of the United Nations, maintaining its policy of transparency and openness.

32. His Government attached the highest importance to all aspects of the Commission's work. He mentioned, in particular, the preliminary report of the Special Rapporteur on violence against women, the establishment of the Working Group on the Right to Development and the initiatives taken by the Working Group on the Rights of the Child. In that connection, he was proud that Sri Lanka was the first Asian country to sign and ratify the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

33. He welcomed the fact that the Commission's activities were expanding into various parts of the world and hoped that the High Commissioner for Human Rights would find time to visit Sri Lanka. He also hoped that the expansion of the Commission's activities would lead to a cooperative and consensual rather than coercive approach to human rights issues and that such consensus would help consolidate all the efforts aimed at rationalizing the Commission's work.

34. His Government believed that the Commission's agenda should reflect the totality of human rights and fundamental freedoms, including economic, social and cultural rights, as well as civil and political rights and the right to development. The fact that he himself, a lifelong campaigner for human rights who had once worked for Amnesty International in his country, had had the

opportunity to address the Commission on behalf of Sri Lanka symbolized the country's new approach to human rights, an approach which was fully in harmony with the Commission's goals.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (item 13 of the provisional agenda) (E/CN.4/1995/73)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (item 20 of the provisional agenda) (E/CN.4/1995/84, 103, 126, 128, 132 and 134; E/CN.4/1995/NGO/14 and 18; E/CN/4/Sub.2/1993/34 and Add.1-4 and 36 and Corr.1; A/49/415 and Add.1)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (item 22 of the provisional agenda) (E/CN.4/1995/91, 92 and 123; E/CN.4/1995/NGO/11, 25 and 26)

35. Mr. AMOR (Special Rapporteur on the question of religious intolerance), introducing the ninth report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1995/91), said that he had examined 49 States in 1994 in connection with incidents, situations and government decisions deemed incompatible with the provisions of the Declaration. In addition to communications sent to States in accordance with the usual procedure, he had made five urgent appeals in connection with particularly serious situations or incidents. The report also contained an account of his visit to China from 19 to 30 November 1994 in pursuance of Commission resolution 94/18. Replies from Iraq, the Islamic Republic of Iran, Kazakhstan and the Philippines had been received too late for incorporation in the report.

36. The situation with respect to his mandate could be summarized in the form of three findings and four comments. The first finding was that religious intolerance occurred in countries at different levels of development and with different political and social systems. Intolerance manifested itself in connection with the freedom to espouse a particular religion or hold a particular conviction, the right to change one's religion or belief and the right to practice a religion in public or private. It also took the form of discrimination by States, institutions or groups against persons of a particular religion or conviction.

37. The second finding was that the dividing line between religious and other conflicts and between religious intolerance and political persecution was not clear-cut. Religious conflicts often had a political dimension and vice versa.

38. The third finding was that more solid progress was necessary in the area of religious freedom, particularly in States formerly professing a philosophy of scientific socialism. In addition, an upsurge in intolerance and extremism associated with religion had led in some cases, such as Algeria, to serious acts of intolerance and violence that affected the whole of society and whose victims included religious and cultural figures and journalists. It was to be feared that the repercussions of the current situation in Algeria would spread to the entire Mediterranean region.

39. His first comment was that, in those few instances where the need for religious freedom was not recognized, the matter should continue to be pursued through more dialogue with all the parties concerned. Progress could be made only if there could be an avoidance of dogmatic attitudes, thoughtless behaviour, blind partisanship and gratuitous accusations. Reality had to be grasped in all its complexity, without prejudice and in the realization that any generalization was abusive and therefore wrong. A human rights culture could not be legislated into existence. It could only be built up gradually. In those circumstances negotiation was essential and dynamic compromises should be made in order to find the best possible solutions, without giving way to tyrannies or to any move to impose uniformity of attitudes or behaviour.

40. Secondly, the promotion of religious freedom, tolerance and non-discrimination was closely bound up with that of democracy and development. Extreme poverty, in particular, made a mockery of rights and freedoms, tending rather to favour extremism and violence. That led to his third comment, which was that religious extremism was liable to arouse tensions leading to situations that were difficult to control and thus affect the right to peace. International solidarity was therefore required to eliminate such extremism - whatever its source - by dealing with its causes as well as its effects.

41. The international community as a whole should, as many States had done, lay down a set of minimum rules of conduct and behaviour with regard to extremism. It would be appropriate on the fiftieth anniversary of the United Nations if the international community could adopt a text committing itself to the struggle against hatred, intolerance and acts of violence, the more so as 1995 was the United Nations Year for Tolerance.

42. It was important, however, not to get bogged down in the immediate problems and to set one's sights on the long term. His fourth comment was that the fight against intolerance could best be waged through education. Combined with information and culture - also strategic sectors - education could inculcate a real understanding of human rights values. Indeed, a whole system of teaching human rights and tolerance should be developed. He had already undertaken various studies and consultations which had confirmed his view as to the role of education and had prepared a questionnaire for States relating to the educational material on the subject that they used in the schools. Replies had started to come in and he appealed to all States to respond as soon as possible. The results of the inquiry could suggest the general outline of a common minimum programme that would discourage extremism and encourage freedom.

43. Lastly, he once again drew the Commission's attention to the limited resources made available to him to carry out his mandate. It was of particular importance to ensure that information, both allegations against States and replies by States, was properly disseminated, since it was especially effective in the modern world. However legitimate the concern to save money, any economies made at the expense of human rights struck a blow at those rights, leading to less freedom, less tolerance and less humanity.

44. Mr. LU Jungi (China) said that his country had a multiplicity of religions. Citizens enjoyed freedom of religion under the Constitution and that freedom was also protected by various legislative codes. Thus, the choice of religious belief was a personal matter for each Chinese citizen. In January 1994, his Government had enacted legislation concerning the administration of religious activities carried out by foreigners in China and of religious sites. These regulations represented his country's first specific legislation on religious affairs and were an important step in institutionalizing and codifying policy in that area, the objective of which was to elaborate a comprehensive policy of freedom of religion.

45. Special departments on religious affairs had been set up at all levels of Government in order to implement the relevant legislation and policies. Those departments were mandated to coordinate relations between religious bodies and other sectors of society, safeguard the right and freedom of religious belief, protect the legitimate rights of religious bodies and sites, and provide prompt remedies in cases of violation of such rights.

46. Under the protection of the Constitution, religious groups had freely organized religious activities, published periodicals and books, sponsored institutions of higher learning and provided training to young professionals. They had also conducted exchanges with similar groups in other countries, participated in international conferences and organized religious pilgrimages.

47. His Government was paying special attention to religious freedom in areas where there was a high concentration of ethnic minorities. In the Tibet Autonomous Region, for example, efforts had been made to promote and protect Tibetan Buddhism and traditional culture. The need for religious life in Tibet had basically been met to the satisfaction of the Tibetan people.

48. China had always respected the principle of protecting religious freedom, as embodied in the Universal Declaration on Human Rights and various international human rights instruments, and had adopted legislative, judicial and administrative measures in that regard. Citizens enjoyed those rights under the law; at the same time, believers and non-believers alike had responsibilities before the law and could never place themselves above it. He was convinced that no Government in the world would tolerate activities which, under the guise of religion, were aimed at undermining its sovereignty, security and social order.

49. Mr. Mejía Solis (Nicaragua), Vice-Chairman, took the Chair.

50. Mr. VELTHEIM (Finland), speaking on behalf of the Nordic countries, said that most of the States participating in the Commission's session had one or more minority groups living within their borders. Pluralism was a blessing and an enrichment for any society. Participation by all sectors, without discrimination, was a prerequisite for democracy. Yet, many countries were also faced with tensions and conflicts arising between groups having their own distinct identities and features. In a confrontational situation, the smaller groups in society often suffered from discrimination and oppression.

51. In the post-cold-war period, the protection of national minorities in Europe had become an important and urgent matter. Consequently, the Council

of Europe had elaborated a Framework Convention for the Protection of National Minorities which had been opened for signature by its member States on 1 February 1995. The Nordic countries had all signed the Convention on that date.

52. The United Nations must establish guidelines and principles to prevent discrimination and protect the rights of minorities all over the world. Those principles needed to make explicit the limits of majority groups and ensure the basic principles of equity. After establishing guidelines, the United Nations must then monitor their implementation, take action with regard to alarming situations and seek solutions to conflicts, when regional mechanisms were unable to do so.

53. The adoption by the Human Rights Committee in 1994 of its General Comment on article 27 of the International Covenant on Civil and Political Rights and the adoption by the General Assembly in 1992 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities had helped to clarify several important issues in the area of minority rights.

54. In that connection, the Commission needed to create a mechanism, in the form either of a special rapporteur or a special representative of the Secretary-General, to monitor the implementation of the Declaration. The High Commissioner of National Minorities of the Organisation for Security and Cooperation in Europe (OSCE) might serve as a model in that regard. As part of his mandate, the special rapporteur or representative would be authorized to hold meetings and workshops which would be open to minorities, Governments, non-governmental organizations and experts; address situations warranting immediate action and to report on such situations to higher United Nations bodies; and visit various parts of the world with a view to implementing preventive diplomacy.

55. The Nordic countries agreed with the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that an inter-sessional working group should be established under its auspices for the purpose of, inter alia, reviewing the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. A proper division of labour between the Sub-Commission's working group and the Commission's special rapporteur would have to be ensured.

56. He welcomed in particular the Sub-Commission's recommendation that such a working group should be open to representatives of minorities, regardless of their consultative status. In setting up such a working group, an equitable balance should be sought between the smooth conduct of the meetings and the maximum participation of minority groups.

57. It was clear that establishing a working group could be only a first step towards implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Whatever mechanisms were set up in that regard would naturally work in close cooperation with the High Commissioner for Human Rights. Additional resources would clearly be needed to support any new structures as well as to strengthen the capacity of

the Centre for Human Rights. However, compared to the costs connected with violations of the rights of minority groups, the resources needed for monitoring and preventive activities were quite modest.

58. Mr. TYSZKO (Poland) said that issues concerning minorities were increasingly the direct or indirect cause of internal and international conflicts. Yet, the multiplicity of minority cultures and traditions could and should be seen as a source of enrichment for society. Moreover, as part of any basic human rights philosophy, States were bound to refrain from interfering with minority groups and to engage in affirmative action on their behalf.

59. Noteworthy among recent human rights measures was the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which reaffirmed the rights and freedoms of minorities and provided a set of guidelines for future action. The Declaration itself did not contain any specific provisions with regard to implementation. Objectives in that context had been defined in the Vienna Programme of Action and it was for the Commission to take the appropriate steps to elaborate upon them. In that connection, due consideration should be paid to the suggestion by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that it should establish an inter-sessional working group to review the practical application of the Declaration. The report on minority issues prepared by the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1993/34 and Add.1-4) could serve as an excellent starting-point for that process. The High Commissioner on Human Rights might also be mandated to promote the implementation of the Declaration.

60. As a result of the political changes in Central and Eastern Europe, problems connected with minority groups had become acute. It was clear that the full promotion of minority rights and freedoms was possible only in the context of democratic institutions. A number of significant steps had been taken at the regional level to advance the cause of minorities. In 1992, the members of the Conference on Security and Cooperation in Europe (CSCE) had pledged themselves to address national minority issues in a constructive manner and by peaceful means, including the participation of minorities in decision-making at all levels. Those commitments should also be reflected in the various bodies of the United Nations system.

61. As part of its transition towards democracy, Poland had, in the early 1990s, undertaken a profound reappraisal of its policy relating to minority groups, with a view toward strengthening their sense of national identity and promoting their overall development. It had also made specific international commitments, mainly through CSCE, to protecting the rights of minorities and was party to a large number of multilateral and bilateral instruments in that field.

62. There were currently no political or legal barriers in his country to the development of the ethnic, cultural, linguistic or religious identities of its national minorities. All minorities had their own associations and were politically active, with representatives in Poland's democratically elected parliament. The number of publications produced by minority groups had increased dramatically. Minorities had access to public radio stations and

programmes in minority languages were broadcast by local stations operating in regions with large minority populations. The Polish educational system was also geared to meet the needs of national minorities. Children of several minority groups were already being taught in their native languages and that programme was to be expanded to cover all minority groups in the country. Minority languages and civilizations were also studied at the university level.

63. Mr. SWIFT (Observer for Ireland) said that, on its fiftieth anniversary, the United Nations was unfortunately far from fulfilling its commitment to ensuring universal respect for human rights and fundamental freedom for all without distinction as to religion. The Vienna Declaration and Programme of Action had condemned religious intolerance as a serious obstacle to the enjoyment of human rights throughout the world but there was ample evidence that freedom of religion or belief continued to be violated in all parts of the world, including Europe.

64. Freedom of thought, conscience, religion and belief was a fundamental right deriving from and essential to the inherent dignity of the human person and from which derogation was not permitted under any circumstances. Religion or belief was central to the identity of the individual and was, in many cases, an important factor in the identity of nations, communities and national minorities.

65. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the General Assembly in 1981, reaffirmed that discrimination on the grounds of religion or belief constituted an affront to human dignity and was a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

66. General Comment No. 22 (48) adopted in July 1993 by the Human Rights Committee on article 18 of the International Covenant had rightly stressed that the right to freedom of thought, conscience and religion encompassed freedom of thought, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others. Moreover, freedom of thought and of conscience were protected equally with the freedom of religion and belief. Article 18 protected theistic, non-theistic and atheistic beliefs as well as the right not to profess any religion or belief.

67. The Human Rights Committee had stressed that the Covenant permitted no limitations on the freedom of thought and conscience or on the freedom to have or to adopt the religion or belief of one's choice; limitations on the freedom to manifest religion or belief were permitted only if, first, they were prescribed by law and, secondly, they were necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

68. His delegation had examined with care the Special Rapporteur's detailed report (E/CN.4/1995/91) on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It welcomed, in particular, the fact that the Special Rapporteur had endeavoured to engage in dialogue with a broad cross-section

of Governments. It urged States to continue to cooperate with the Special Rapporteur and to provide him with detailed replies to his communications.

69. Particularly noteworthy was the Special Rapporteur's visit to the People's Republic of China in November 1994, at the invitation of the Chinese Government. Such visits were a useful means of promoting dialogue and understanding and could lead to greater respect for freedom of religion and belief. He noted the Special Rapporteur's conclusion that progress had been made in China in the field of religious freedom and urged the Chinese authorities to consider carefully the Special Rapporteur's various recommendations concerning measures to ensure the full enjoyment of the right to freedom of religion and belief. In particular, he supported the Special Rapporteur's call for a speedy release of religious and believers belonging to what had been described as unofficial religious organizations.

70. His delegation was seriously concerned at a number of situations mentioned by the Special Rapporteur in which there was credible evidence of the egregious nature of the human rights abuses which continued to occur. Violations of the right to freedom of religion often formed part of a pattern of violation of other human rights and fundamental freedoms. There were numerous instances in the report where the most fundamental rights had been violated on religious grounds.

71. The treatment of the Baha'i community and members of other religious minorities in Iran gave cause for serious concern. In the Sudan, the Coptic minority in the north and other Christians in the south were subjected to intolerance and repression. In Viet Nam, there had allegedly been grave violations of the right to freedom of religion, including the arrest, imprisonment, torture and execution of believers.

72. In that connection, it should not be forgotten that the Special Rapporteur on the situation in the territory of the former Yugoslavia had noted that religious discrimination often underlay the practice of ethnic cleansing, which continued to be carried out in many areas.

73. The report also contained instances in which violations of the right to freedom of religion had been committed by religious extremists. It was the duty of Governments to take appropriate steps to put an end to such terrorist activities, although any measures taken in that regard must be in full conformity with international human rights standards.

74. His delegation supported the Special Rapporteur's detailed conclusions and recommendations, particularly his view that religious tolerance and non-discrimination were inseparable from the promotion and protection of all human rights. It also supported his recommendations relating to specific projects to be carried out within the framework of the advisory services provided by the Centre for Human Rights and noted with satisfaction that the Centre had remained attentive to possible requests for assistance of that kind from Governments. It was a matter of concern, however, that such requests were rare and that none had been submitted for over a year. His delegation strongly encouraged Governments to make use of the Centre's expertise in that regard.

75. Monsignor TABET (Observer for the Holy See) said that the Special Rapporteur's report (E/CN.4/1995/91) highlighted the many situations, incidents and government policies that were in violation of the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the international standards relating to freedom of religion or belief. The Commission should continue its efforts to remedy such situations through constructive dialogue.

76. Freedom of religion was a fundamental freedom and its restriction not only cut an individual off from an essential aspect of his being but also prevented him from participating fully in the life of society. Consequently, the duty of any society worthy of that name was to find acceptable ways of enabling all its members, including those belonging to religious minorities, to exercise their freedom of religion.

77. Freedom of religion was also an essential component of the rule of law. The exercise of the right to freedom of religion could not therefore be considered exceptional or a concession granted by the State to those residing in its territory. It would thus be abnormal to impose legal or administrative provisions in national law with respect to religions and religious structures that were more restrictive than those relating to organizations in general. The legal framework that guaranteed and determined the limits of the exercise of freedom of religion must also conform to the standards of international law. Any abuses committed in the exercise of religious freedom would, of course, be subject to legal sanctions.

78. The Holy See deplored the fact that certain States had not yet granted full freedom of religion to all their nationals, while others did not permit the legal existence of certain minority churches or religious organizations and sometimes interfered in the internal functioning of religious denominations. Still others promoted a single religion and consequently excluded other religions and disregarded the rights of their adherents, to the extent of reducing them to second-class citizens. Human rights were also openly violated when the law or custom forbade the possibility of choosing or changing one's religion, in violation of article 18 of the Universal Declaration of Human Rights. Such attitudes towards religions and their adherents reflected an erroneous and totalitarian concept of the role of the State.

79. The Holy See was well aware that, in certain societies, religions could be perceived because of extremist manifestations as factors of intolerance rather than social harmony. Such situations were dangerous in that they created a negative attitude towards religions and their adherents, thereby harming the well-being of believers and of society as a whole.

80. Pope John Paul II had recently invited the leaders of all religions to join in efforts to promote peace, stressing that religion should not serve as a pretext for conflict, since violence in all its forms was contrary to the real essence of religion. Religion and peace went hand in hand and making war in the name of religion was thus a glaring contradiction. The Pope had

invited all religious leaders to engage in a genuine inter-religious dialogue so as to enable them to bear witness together to the dignity of each and every human being whatever his or her ethnic origin or religious or political affiliation.

81. In seeking to guarantee freedom of religion, particularly in the context of religious pluralism, many societies had elaborated structures to promote coexistence between the State and religions. In such a context, the State must seek a permanent dialogue with the various religious communities and the religious denominations must also engage in a similar dialogue among themselves based on the recognition that the human being was at the centre of their concerns.

82. No society should deny itself the specific contribution of religions and believers to the common weal. The tendency to marginalize believers arose from a form of secularism that offered no space for the legitimate external manifestations of religion and refused it any social visibility. The organization of coexistence and the maintenance of an open space for the religious dimension of man was a major challenge to States which aspired to base themselves on law and justice and respect for human rights.

83. Mr. TÜRMEN (Observer for Turkey) said that the question of migrant workers was first and foremost a question of the human rights of millions of people who had been living in western Europe for three generations without legal status and without the protection of international or domestic legal instruments, 2.7 million of them being Turkish citizens. Despite the incentives provided by the German Government for instance, 83 per cent of the Turks living in Germany had no intention of returning to Turkey.

84. The protection of the human rights of migrant workers was still in its rudimentary stage. Migrant workers were subjected to both formal and informal discrimination in employment, housing and education and their personal safety was threatened by almost daily racist attacks. Moreover, even after three or four generations of permanent residence, they were still labelled as foreigners in their host countries, were subjected to rigid migration laws and faced the constant risk of expulsion. Moreover, they were deprived of the right to participate in democratic decision-making processes, even with respect to issues directly affecting them.

85. Human rights and democracy, which had become universal values, could not be reconciled with the subjection of millions of migrants to discrimination and racist attacks. In that connection, the approach of certain European countries which had officially recognized migrants as a minority contained one of the basic elements of a solution to the problem, namely, extending to migrant workers the same international protection that was offered to ethnic, religious or linguistic minorities. Restrictions on the participation of migrant workers in the political life of their host countries should be removed in order to facilitate their integration into their adopted societies. Citizenship laws should also be eased to allow migrant workers to acquire the citizenship of their country of residence without necessarily giving up that of their country of origin.

86. Western countries currently faced a choice between integrating migrant workers into their societies or keeping them on the periphery. That choice would determine the character of Western societies in the twenty-first century. If the choice was exclusion, continuous tension between the non-integrated parts and the rest of society would be inevitable. Indeed, the growing fundamentalism among the migrants in various countries owed a great deal to the policies of their host countries. On the other hand, if migrant workers were fully integrated into their host countries' societies, they would constitute a dynamic social force and contribute to the welfare and prosperity of Western Europe. In that connection, it was a matter of regret that non-governmental organizations which were otherwise active in the protection of human rights showed little or no interest in enhancing the integration of migrant workers into their host societies.

87. Ayatollah GANDJEI (Pax Christi International) said that Islam had always emphasized the great value of other religions. At the birth of Islam 15 centuries earlier, the Prophet Mohammed had remained extremely patient in the face of persecution by the idol-worshipping heads of the clans of Mecca. The religion of Islam had always advocated cooperation between Jews and Christians. For example, in commenting on a conflict between Jews and Christians, the Koran declared that they would be judged on the day of judgement. Islam had always, however, rejected Jewish and Christian exaggerations.

88. Unfortunately, certain people had appeared whose motives were not above suspicion and whose teachings did not represent the tolerance of Islam. The Prophet of God had himself invited believers to fight against obscurantism. The history of Islam was in no way the history of those groups who hid behind the teachings of Islam and who sought to take power through religion, using propaganda campaigns to attract simple people. The campaign against women, for example, was not a new phenomenon, since there had always been reactionaries who had tried to distort the teachings of Islam in that regard. Nor were such campaigns peculiar to Islam, given that similar practices had existed at the time of Jesus.

89. It was at times such as the current difficult period that the true Muslims could be identified. Defenders of human rights and of mankind in general, they rejected all forms of intolerance and discrimination. They clearly understood the importance of religion and had chosen their path. It was important for believers to fight against terrorism and against terrorist Governments, since religion was incompatible with intolerance. A religion which had millions of followers could not but be tolerant. It could not possibly call to murder, war and fratricide.

90. Believers must therefore defend the values of religion, particularly when they were under attack by intolerant persons. They must protect those who were subject to persecution and protect human civilization against the dangers of intolerance. The flame of the struggle against intolerance was being held high by progressive Muslims following the example of the Prophet, who had shown tolerance, compassion and mercy.

91. Freedom of conscience and freedom of expression were being denied by intruders into Islam. A certain religious leader, for example, had issued a fatwa to kill a United Kingdom subject, without even giving him a chance to defend himself before a court. Under that fatwa, government terrorism had targeted various individuals in Turkey as well as in Oslo and other capital cities. In Iran, a number of Christian leaders had been executed.

92. Against that background, all of the groups constituting the Iranian opposition had adopted the principles of freedom of religion and of equal rights for men and women. The fact that they had unanimously elected a woman to the titular post of President of the Republic was a symbol of their opposition to the reactionary excesses of the regime in Iran.

The meeting rose at 5.45 p.m.